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Attorneys for Petitioner: ABDUL RAHMAN SOOMRO

**UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO, CALIFORNIA**

8 ABDUL RAHMAN SOOMRO	)	
	)	
9 Plaintiff,	)	
	)	Case No. C07-04331 JL
10 vs.	)	
	)	
12 Alberto Gonzales, Attorney General of the	)	CIVIL ACTION
United States; Michael Chertoff, Secretary of the	)	TO COMPEL DEFENDANTS
13 Department of Homeland Security; Emilio	)	TO COMPLETE
Gonzalez, Director of United States Citizenship &	)	NATURALIZATION PROCESS
14 Immigration Services; Robert S. Mueller, III,	)	
15 Director of the Federal Bureau of Investigations;	)	INS A# 073-017-732
Christina Poulos, Director of the California Service	)	
16 Center; et al;	)	
	)	
17 Defendants	)	
18 _____	)	

**To the Honorable Judges of Northern District of California San Francisco Court:**

Plaintiff, Abdul Rahman Soomro, through undersigned counsel, alleges as follows:

**INTRODUCTION**

1. This is a civil action brought pursuant to 8 U.S.C. § 1447, 28 U.S.C. §1331 and 1361, 5 U.S.C. § 701 and 28 U.S.C. §2201 *et. seq.* to redress the deprivation of rights, privileges and immunities secured to Plaintiff to compel Defendants to perform a duty Defendants owe to Plaintiff. Jurisdiction is also conferred by 5 U.S.C. §704.

2. This action is brought to compel Defendants and those acting under them to take action on a Form N-

1 400, Application for Naturalization, (hereafter “the Application”) in order for Plaintiff to become a Naturalized  
 2 Citizen of the United States. The Application was filed with the United States Citizenship and Immigration  
 3 California Service Center, California on September 16, 2005 by Abdul Rahman Soomro. (See Ex. 1, I-797,  
 4 Notice of Action) Abdul Rahman Soomro was interviewed by an Immigration Officer on December 29, 2005  
 5 and successfully passed the English language and history and government tests. (See Ex. 2, Form N-652,  
 6 Naturalization Interview, for proof of successful passage of both tests). To this day, approximately two years  
 7 and seven months after the interview, Abdul Rahman Soomro still awaits the decision. Certainly more than  
 8 120 days have passed since the interview in this matter, thus vesting jurisdiction with this court under 8 U.S.C.  
 9 § 1447.  
 10

11 3. Plaintiff is eligible to have his Application adjudicated.

12 4. Defendants, the Department of Homeland Security and U.S. Citizenship and Immigration Services  
 13 (USCIS), are charged by law with the statutory obligation to adjudicate this Application.  
 14

15 5. Venue is proper under 28 USC §1391(e) because the Plaintiff resides in this district and no real  
 16 property is involved in this action.  
 17

## 18 **FACTS**

19 6. Abdul Rahman Soomro is a native and citizen of Pakistan.  
 20

21 7. Abdul Rahman Soomro’s Permanent Resident Status was granted on July 24, 2000 (See Ex. 3), and  
 22 he became statutorily eligible to file Form N-400, Application for Naturalization, on April 24, 2005, four  
 23 years and nine months after grant of Permanent Resident Status.  
 24

25 8. Abdul Rahman Soomro filed his Form N-400, Application for Naturalization, with the United States  
 26 Citizenship and Immigration Naturalization Service Center, California on or about September 16, 2005. (See  
 27 Ex. 1, I-797, Notice of Action)  
 28

1 9. Abdul Rahman Soomro was interviewed by an Immigration Officer on December 29, 2005 and  
2 successfully passed the English language and history and government tests. (See Ex. 2, Form N-652,  
3 Naturalization Interview, for proof of successful passage of both tests). To this day, over two years and  
4 seven months after the interview, Abdul Rahman Soomro still awaits the decision.

5 10. Plaintiff has made numerous telephone calls to USCIS. Each time, he has been told that his status is  
6 pending, waiting for FBI results. (See Ex. 5, Letters from USCIS dated 9-5-06, 3-27-07)  
7

8 11. Plaintiff received a letter from USCIS dated May 8, 2006, stating that his case is pending routine  
9 background checks. (See Ex. 4)  
10

11 12. Plaintiff sent a letter on November 29, 2006 to Robert Mueller III, Director of the FBI, requesting his  
12 assistance in the adjudication of his application. (See Ex. 6)

13 13. On April 6, 2007, Plaintiff again had his fingerprints taken in support of his application. (See Ex. 7)  
14  
15

### 16 **EXHAUSTION OF ADMINISTRATIVE REMEDIES**

17 14. Plaintiff has exhausted his administrative remedies. Plaintiff has supplied the USCIS and FBI  
18 documents that clearly establish his eligibility to be naturalized as a U.S. Citizen. Plaintiff has made  
19 numerous telephone calls, has sent letters and has visited the USCIS Sacramento Office in person to try  
20 to obtain adjudication of his application.  
21  
22

### 23 **CLAIMS**

24 15. Defendants have willfully and unreasonably delayed in and have refused to adjudicate the  
25 Application, thereby depriving the Plaintiff of the benefit of becoming a Naturalized U.S. Citizen.  
26

27 16. Defendants owe Plaintiff a duty to adjudicate the Petition and have unreasonably failed to perform  
28 that duty.

1 17. Plaintiff has exhausted any administrative remedies that may exist.

2 WHEREFORE, Plaintiff prays that the Court:

- 3 1. Assume jurisdiction over the case and naturalize the Plaintiff under the terms of 8 USC 1447(b); or  
4  
5 2. Compel Defendants and those acting under them to perform their duty to adjudicate the Petition; and  
6  
7 3. Grant such other and further relief as this Court deems proper under the circumstances; and  
8  
9 4. Grant Attorney's fees and costs of Court to Plaintiff under the Equal Access to Justice Act.

10 Respectfully submitted this \_\_\_\_<sup>th</sup> day of August 2007.

11  
12  
13 Respectfully submitted,

14 Attorneys for Plaintiff

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16 \_\_\_\_\_  
17 Shah Peerally, Esq.  
18 Attorney for Plaintiff

19 \_\_\_\_\_  
20 Erich Keefe, Esq.  
21 Attorney for Plaintiff  
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